

FILED

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CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

TIMOTHY GATES
SHASHAWN ATKINSON
TROY BAKER

Defendants.

) INDICTMENT

) **1 : 22 CR 648**

) CASE NO. _____

) Title 18, United States Code,
) Sections 922(o), 922(j), 922(g),
) and 924(a)(2)

) **JUDGE OLIVER**

COUNT 1

(Illegal Possession of a Machine Gun, 18 U.S.C. §§ 922(o) and 924(a)(2))

The Grand Jury charges:

1. On or about August 18, 2022, in the Northern District of Ohio, Eastern Division, Defendant TIMOTHY GATES, did knowingly and unlawfully possess a firearm as defined in Title 26, United States Code, Section 5845(a)(6), that is, a machinegun within the meaning of Title 26, United States Code, Section 5845(b), and more particularly described as a Glock, Model 19, 9 mm caliber pistol, Serial Number BDDF707, modified so that it shoots automatically more than one shot, without manual reloading, by a single function of the trigger, in violation of Title 18, United States Code, Sections 922(o) and 924(a)(2).

COUNT 2

(Felon in Possession of Firearm, 18 U.S.C. §§ 922(g)(1) and 924(a)(8))

The Grand Jury further charges:

2. On or about August 18, 2022, in the Northern District of Ohio, Eastern Division, Defendant TIMOTHY GATES, knowing he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, that being: Aggravated Assault, in Cuyahoga County Common Pleas Court Case Number CR-16-604605-A, on June 29, 2016, knowingly possessed in and affecting interstate commerce a firearm, to wit: Glock, Model 19, 9 mm caliber pistol, Serial Number BDDF707, and ammunition, said firearm having been shipped and transported in interstate commerce, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(8).

COUNT 3

(Illegal Possession of a Machine Gun, 18 U.S.C. §§ 922(o) and 924(a)(2))

The Grand Jury further charges:

3. On or about August 18, 2022, in the Northern District of Ohio, Eastern Division, Defendant SHASHAWN ATKINSON, did knowingly and unlawfully possess a firearm as defined in Title 26, United States Code, Section 5845(a)(6), that is, a machinegun within the meaning of Title 26, United States Code, Section 5845(b), and more particularly described as a Glock Model 26, 9 mm caliber pistol, Serial Number LFC890, modified so that it shoots automatically more than one shot, without manual reloading, by a single function of the trigger, in violation of Title 18, United States Code, Sections 922(o) and 924(a)(2).

COUNT 4

(Possession of Stolen Firearms, 18 U.S.C. §§ 922(j) and 924(a)(2))

The Grand Jury further charges:

4. On or about August 18, 2022, in the Northern District of Ohio, Eastern Division, Defendant TROY BAKER knowingly possessed or stored a stolen firearm, a Glock Model 19, 9 mm caliber pistol, Serial Number BTEB890, which was shipped and transported in interstate commerce, and which the Defendant TROY BAKER knew and had reasonable cause to believe the firearm was stolen, in violation of Title 18, United States Code, Sections 922(j) and 924(a)(2).

FORFEITURE

The Grand Jury further charges:

5. For the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 924(d)(1), and Title 28, United States Code, Section 2461(c), the allegations of Counts 1 through 4 are incorporated herein by reference. As a result of the foregoing offenses, Defendant TIMOTHY GATES, SHASHAWN ATKINSON, and TROY BAKER shall forfeit to the United States any and all firearms and ammunition involved in or used in the commission of the violations charged herein; including, but not limited to, the following:

- a. a Glock Model 19, 9 mm caliber pistol, Serial Number BDDF707, and ammunition, seized on August 18, 2022, from TIMOTHY GATES;
- b. a Glock Model 26, 9 mm caliber pistol, Serial Number LFC890 and ammunition, seized on August 18, 2022, seized from SHASHAWN ATKINSON; and

c. a Glock Model 19, 9 mm caliber pistol, Serial Number BTEB890 and ammunition, seized on August 18, 2022, seized from TROY BAKER.

A TRUE BILL.

Original document - Signatures on file with the Clerk of Courts, pursuant to the E-Government Act of 2002.